

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

Jm

RONALD PAUL HOWELL,

Plaintiff,

vs.

CV 00-PWG-0132-E

LARRY AMERSON, BRUCE BARCLIFT,

SERGEANT JAMES MIDDLETON,

and DR. CARLA A. THOMAS,

Defendants.

ENTERED

SEP 25 2000

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on September 5, 2000, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation on September 15, 2000.

In objecting to the magistrate judge's report and recommendation, plaintiff states that his family was not allowed to leave his Prozac therefore he was not allowed to take it and maintains that this was negligence on the part of the jail supervisors. Plaintiff's mother had brought his Prozac to the jail in order for Dr. Thomas to see what dosage had been prescribed for him. To the extent plaintiff is now complaining that the defendants were negligent in their treatment of his medical condition by not allowing his mother to leave the medication at the jail, he has failed to state a § 1983 claim. Mere negligence is insufficient to support a constitutional claim. *Fielder v. Bosshard*, 590 F.2d 105, 107 (5th Cir. 1979).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED this 22^d day of October, 2000.

A handwritten signature in black ink, appearing to read "U. W. Clemon", written over a horizontal line.

U. W. CLEMON
UNITED STATES DISTRICT JUDGE